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BY ECF

The Honorable J. Paul Oetken  
United States District Judge for the  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Hay v. New York Media LLC, et ano.*, No. 1:20-cv-06135 (JPO)

Dear Judge Oetken:

Defendants write to inform the Court that a Decision and Order on Motion was entered on June 16, 2021 dismissing the complaint in *Shuman v. New York Magazine, et al.*, No. 155577/2020 (Supr. Ct. N.Y. Cty.), a defamation case concerning the same articles that are at issue in this action. A true and correct copy of the Decision and Order on Motion is attached hereto as Exhibit A.

In the decision, the Honorable Richard G. Latin, J.S.C. dismissed the complaint of Mischa and Maria-Pia Shuman for defamation because he concluded that the articles involved a matter of public interest, and the Shumans had not and could not plead that Defendants were grossly irresponsible in publishing it. Of relevance here, Justice Latin held:

the pleadings and the exhibits to the pleadings make clear that professor Hay was the principal source of information to Bolonik for the potentially libelous statements. He answered her questions, provided her with his account, and provided evidence in many forms including, among other things, text messages, court documents from various litigations, and Title IX documents. Given his personal experiences with plaintiffs, his position as a professor of judgment, and the corroborating evidence provided, defendants had no reason to doubt the veracity of the information provided (*see Gaeta v New York News, Inc.*, 62 NY2d 340; *Ortiz*, 102 AD2d 513) .

In addition, Justice Latin noted that, while he did not have to reach the question of whether the articles at issue were true:

it is also worth noting that the Title IX report, that was based on over 2,000 attorney hours and over six months of investigation in preparing and conduction interviews of the plaintiffs, professor Hay, and others, and reviewing documents provided by the aforementioned (including emails and text messages), as well as documents from court filings and other public records, serves to demonstrate that

what plaintiffs claim as libel was, by a preponderance of the evidence, more substantially accurate than false.

This notation is relevant to Hay's claim in this litigation that the articles at issue are false.

Thank you for your consideration.

Respectfully submitted,

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